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BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D 2001 62819

ADELINO MANUEL CEDROS
800 Robertson Way
Sacramento, CA 95818

A C C U S A T I O N

Physical Therapist Assistant License No.
AT-1742,

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about December 12, 1987, the Physical Therapy Board issued Physical Therapist Assistant License Number AT 1742 to Adelino Manuel Cedros ("Respondent"). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2005, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board ("Board"),
under the authority of the following sections of the Business and Professions Code ("Code").

4. Section 2262 of the Code states:

Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

In addition to any other disciplinary action, the Division of Medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500) for a violation of this section.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings by the examining committee under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

....

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(j) The aiding or abetting of any person to violate the provisions of this chapter or any regulations duly adopted under this chapter.

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.

6. Section 2661.5 of the Code states in relevant part that:

In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of investigation and prosecution of the case.

7. Section 2630 of the Code states that:

Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.

7. Title 16 of the California Code of Regulations section 1398.44 states in relevant part that:

The supervising physical therapist shall at all times be readily available, in person or by telecommunication, to the PT Assistant while he/she is treating patients and shall provide periodic on site observation of the PT Assistant. The PT shall evaluate the patient and develop a treatment plan prior to the PT Assistant providing treatment. The PT Assistant shall document treatment provided in the patient's chart, and the PT must review and cosign the documentation or conduct a conference with the PT Assistant within seven days of the treatment date.

FIRST CAUSE FOR DISCIPLINE
(Improper Ownership of a Physical Therapy Practice While Supervising Physical Therapists as a Physical Therapist Assistant)
[Bus & Prof Code § 2660(l)and Title 16 C.C.R section 1398.44]

8. Respondent Cedros is subject to disciplinary action under section 2660(1) of the Code for improper ownership of a Physical Therapy Practice as respondent is a Physical Therapist Assistant who is improperly supervising two Physical Therapists, Mary Kiefer and David Hartwig, as the owner of the business when the Physical Therapists need to supervise respondent as a working Physical Therapist Assistant as follows:

9. Respondent is the owner and president of Kinections Sports Medicine and Physical Therapy Inc. and as such has been supervising and guiding the practice of his two Physical Therapist employees Mary Kiefer and David Hartwig from 1997 through 2001. Respondent can not practice as a PTA within the constraints of the supervising requirements for the P.T.'s to supervise respondent as a working PTA, while at the same time having respondent supervising his employees PT Kiefer and Hartwig as the owner of the business. The above referenced conduct constitutes a dishonest or corrupt act in violation of section 2660(1) of the Code.

SECOND CAUSE FOR DISCIPLINE
(Unlawful Practice Of Physical Therapy)
[Bus. & Prof. Code § 2630 and 2660(l)]

10. Respondent Cedros is subject to disciplinary action under sections 2630 and 2660(1) of the Code for the unlawful practice of physical therapy treatment based on the following facts:

Patient C.G.K.

(1) On March 2, 1998, patient C.G.K. was referred to Kinections Sports

1 Medicine and Physical Therapy, Inc., for physical therapy treatment following a motor vehicle
2 accident.

3 (2) C.G.K. was first seen by Kiefer, P.T. from March 2, 1998 through June
4 26, 1998. Patient C.G.K. was treated for 23 visits from Kiefer. On June 26, 1998, patient C.G.K.
5 was treated by Hartwig, PT.

6 (3) On July 1, 1998, physical therapy care of C.G.K. was assumed by
7 respondent Cedros, a physical therapist assistant, allegedly under the supervision of P.T. Hartwig.
8 Respondent Cedros treated this patient for 42 visits from July 1, 1998 through March 24, 1999. In
9 this period, there are no re-evaluations of patient C.G.K. and there are no consultations recorded
10 between PT Hartwig and PTA Cedros.

11 Patient A.L.

12 (1) Patient A.L. was seen at Kinections Sports Medicine and Physical
13 Therapy, Inc. for 23 physical therapy treatments between April 3, 2000 through May 30, 2000. All
14 treatments were billed under Kiefer's license.

15 (2) A.L. was treated by respondent Cedros, PTA, for seven visits and
16 Leslie Shaw, CMT, for 16 visits with only one co-signature by PT Kiefer, and no indication of
17 supervision by Kiefer.

18 Patient R.C.

19 (1) Patient R.C. was seen at Kinections Sports Medicine and Physical
20 Therapy, Inc., for 100 physical therapy treatments between March 5, 1997 and September 9, 1998.
21 All treatments were billed under Kiefer's license. Kiefer evaluated R.C. on March 4, 1997 and made
22 a note for a visit on May 14, 1997.

23 (2) R.C. was treated by respondent Cedros, PTA, for all 100 visits with
24 only two co-signatures by PT Kiefer, and no indication of supervision or intervention by PT Kiefer.

25 (3) For the return visits covering June 2, 1998 through September 8, 1998,
26 no evaluation, progress notes, or discharge summary exists and there is no documentation of PT/PTA
27 conferences.

Patient J.G.

(1) Patient J.G. was seen at Kinections Sports Medicine and Physical Therapy, Inc., for 63 physical therapy treatments between November 11, 1998 through June 18, 1999. PT Kiefer evaluated J.G. on November 11, 1998.

(2) J.G. was treated by respondent Cedros, PTA, for all 63 visits with PT Kiefer co-signing less than 30 of the visits.

(3) No objective measurements are in the record to indicate progress or lack of progress of patient J.G. There are no progress notes except for March 19, 1998, no documented PT/PTA conferences, and no written discharge summary.

Patient K.A.

(1) From May 2, 2000 through January 3, 2001, patient K.A. was seen at Kinections Sports Medicine and Physical Therapy, Inc., for physical therapy treatment.

(2) K.A. was first seen by respondent Cedros, PTA, and treated by him for approximately 40 visits. During this period, Hartwig, PT, wrote one visit note and co-signed 20 notes by PTA Cedros.

(3) There are no PT/PTA conferences, and there is no measurable objective data to show patient's progress or lack of progress.

Patient L.L.

(1) From approximately November 1, 2000 through January 12, 2001, patient L.L. treated at Kinections Sports Medicine and Physical Therapy, Inc., for physical therapy treatment.

(2) Patient L.L. was treated by Hartwig, PT, for three visits. The remaining 13 visits the patient was treated by respondent Cedros, PTA. Hartwig only co-signed every other visit or approximately seven visits. There was no plan for reassessment.

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1. Revoking or suspending Physical Therapist Assistant License Number AT-1742, issued to Adelino Manuel Cedros.
2. Ordering Adelino Manuel Cedros to pay the Physical Therapy Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;
3. Taking such other and further action as deemed necessary and proper.

Original Signed By:
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant